

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**NOTICE OF MOTION NO. 1914 OF 2006**  
**IN**  
**SUIT NO. 560 OF 1983**

M/s. Bhanwarlal Premsukh and Ors. ....Plaintiffs.

VS.

Sadrudding Alibhai Premji and Ors. ....Defendants.

Mr.Y.S. Bhate for plaintiffs no.1, 2, 4A to 7.

Mr.S.H. Karim for defendant nos.1, 2 and 3.

**CORAM: S.J. VAZIFDAR, J.**

**NOVEMBER 13, 2006.**

**P.C. :**

1. The suit has been filed for specific performance of an agreement dated 22/12/1978. This suit was dismissed for default on 17/10/2003.

2. Firstly, there is a default of 928 days in

filing this Notice of Motion itself. The only explanation is that the dismissal was on account of the advocate's negligence. This does not appear to be so. The advocate whose negligence is alleged did not even file his Vakalatnama. The plaintiffs do not appear to have prosecuted the litigation with any seriousness. The name of the said advocate could not obviously be shown on board as he had not filed his Vakalatnama. No other ground has been made out for restoration of the suit.

3. In the circumstances, Notice of Motion is dismissed.

sd/-

(S.J.VAZIFDAR, J)